

**EXHIBIT 1**

**SHAFER DEPOSITION**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION  
CASE NO. 6:08-3980-GRA

CONFIDENTIAL

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HILL HOLLIDAY CONNORS COSMOPULOS,  
INC., d/b/a ERWIN-PENLAND,  
Plaintiffs,

DEPOSITION UNDER  
ORAL EXAMINATION  
OF  
ANDREW SHAFER

-vs-

JEFFREY GREENFIELD and 1st  
APPROACH, LLC,

Defendants, and  
Third-Party  
Plaintiffs,

-vs-

CELLICO PARTNERSHIP d/b/a VERIZON  
WIRELESS, and JOSEPH A. ERWIN,  
Third-Party  
Defendants.

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TRANSCRIPT of the deposition of the witness,  
called for Oral Examination in the above-captioned  
matter, said deposition being taken pursuant to the  
Superior Court Rules of Practice and Procedure by  
and before CHRISTINA LYNN HANSEN, a Notary Public  
and Certified Court Reporter of the State of New  
Jersey, at THE DOLCE HOTEL IN BASKING RIDGE, 300  
North Maple Avenue, Basking Ridge, New Jersey, on  
Tuesday, December 1, 2009, commencing at  
approximately 4:52 in the afternoon.

MAGNA LEGAL SERVICES  
Seven Penn Center  
1635 Market Street - 8th Floor  
Philadelphia, PA 19103  
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JOB # 35633

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1 A. I worked at Mercedes-Benz.  
 2 Q. Okay. What did you do at Mercedes?  
 3 A. Regional marketing job.  
 4 Q. Okay.  
 5 A. Similar?  
 6 Q. Similar?  
 7 A. Uh-huh.  
 8 Q. What did you do before that?  
 9 A. I was in New Jersey Mercedes-Benz.  
 10 And before that I was in advertising.  
 11 Q. Okay. And before -- what was the  
 12 advertising job before Mercedes?  
 13 A. I was account management.  
 14 Q. Okay. And before account management,  
 15 were you in school?  
 16 A. Uh-huh.  
 17 Q. Okay. And how far did you get in  
 18 school?  
 19 A. Four years.  
 20 Q. Okay.  
 21 A. Under-grad.  
 22 Q. Under-grad. Where did you go?  
 23 A. Gettysburg College.  
 24 Q. Okay. What did you major?  
 25 A. Psychology.

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1 Q. Kind of fits.  
 2 All right. So tell me -- you were  
 3 involved with the initial presentation of the How  
 4 Sweet the Sound program. Is that correct?  
 5 MS. McKINNEY: Object to form.  
 6 MR. CHROMY: Object.  
 7 Q. Just so you're clear, the attorneys  
 8 are going to object --  
 9 A. Yeah.  
 10 Q. -- a lot due to my inarticulate  
 11 question. If you understand it, you're more than  
 12 welcome to answer it. If you need me to clarify it,  
 13 please ask me and I'm happy to.  
 14 A. Can you clarify?  
 15 Q. Sure.  
 16 Verizon Wireless eventually came can  
 17 run a program called How Sweet the Sound. Is that  
 18 true?  
 19 A. Yes.  
 20 Q. Do you know how that began?  
 21 A. Yes.  
 22 Q. Can you tell me?  
 23 A. The original proposal came from  
 24 Erwin-Penland, and they proposed it to us in the  
 25 south as a concept that we would potentially

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1 implement for Verizon Wireless.  
 2 Q. Did they present it orally or was it  
 3 by e-mail?  
 4 A. Orally.  
 5 Q. Were you at the presentation?  
 6 A. I was.  
 7 Q. And who was there on behalf of  
 8 Erwin-Penland?  
 9 A. The only two people I know for sure  
 10 were Joe Erwin and Allen Bosworth.  
 11 Q. Okay. Do you remember if there was  
 12 anybody else there?  
 13 A. I do not.  
 14 Q. The only people that you can remember  
 15 that were not Verizon people --  
 16 A. Correct.  
 17 Q. -- would be Allen Bosworth and Joe  
 18 Erwin?  
 19 A. Correct.  
 20 Q. Do you know Jeff Greenfield at all?  
 21 A. I do not.  
 22 Q. Have you seen any recent picture of  
 23 Jeff Greenfield?  
 24 A. I have not.  
 25 Q. Do you have -- and you have no

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1 recollection of him whatsoever?  
 2 A. Nope.  
 3 Q. Have you ever dealt with him?  
 4 A. No.  
 5 Q. Have you ever spoken to him?  
 6 A. No.  
 7 Q. Have you ever received any e-mail  
 8 from him?  
 9 A. No.  
 10 Q. Ever been copied on an e-mail in  
 11 which he was copied on?  
 12 A. Not to my knowledge.  
 13 Q. Is it your understanding that How  
 14 Sweet the Sound program is -- was created and -- was  
 15 created by Erwin-Penland alone?  
 16 A. I don't know.  
 17 MS. McKINNEY: Object to form.  
 18 Q. Okay. Do you know that Erwin-Penland  
 19 sued Jeff Greenfield?  
 20 A. I have come to know that.  
 21 Q. Okay. And I don't want do know  
 22 anything the attorneys have told you in preparation  
 23 for today or in whatever other consultations you've  
 24 been involved. It's privileged, and I don't want  
 25 you to tell me any of that. I'm just asking your



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1 general understanding of the lawsuit beforehand, if  
2 you had any.

3 Were you aware of anybody's claims to  
4 the creation of the How Sweet the Sound concept?

5 MS. McKINNEY: Object.

6 A. I was not.

7 Q. Does it surprise you to that  
8 somebody's making such a claim?

9 MS. McKINNEY: Object.

10 MR. CHROMY: Objection.

11 A. I don't know.

12 Q. Okay.

13 (Whereupon there was a discussion off the record.)

14 Q. Tell me about that initial  
15 presentation. What do you recall?

16 A. I -- they came in, they met with Joe  
17 Saracino and myself, presented the concept, we had  
18 some dialogue around what we thought about the  
19 concept, we talked about next steps. And that was  
20 the initial meeting.

21 Q. What was Joe's job title at the time?

22 A. Vice-president of marketing, I  
23 believe.

24 MR. MUCKENFUSS: Just for the record,  
25 Robert Muckenfuss here. How are you doing?

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1 MR. DOOLITTLE: Good. Good to see  
2 you again.

3 MR. MUCKENFUSS: Okay.

4 MR. DOOLITTLE: Long time, no see.

5 Q. Oh, so yeah. They came and presented  
6 the program. Was it power point?

7 A. I believe so.

8 Q. Do you remember where?

9 A. I don't. I don't know the name of  
10 the -- it was a conference room.

11 Q. In --

12 A. In Alfareda. Sorry.

13 Q. At Verizon's facilities?

14 A. Yes.

15 Q. Okay. Yeah. I don't care which  
16 conference room. But I appreciate you trying to  
17 remember.

18 Do you remember if it was winter or  
19 summer?

20 A. I don't recall.

21 Q. Okay. What was your initial  
22 impression of the How Sweet the Sound campaign idea?

23 A. Positive.

24 Q. In what way?

25 A. We had discussed about our need to

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1 try and penetrate, you know, African-American  
2 segment. We were under-indexed against that segment  
3 as Verizon wireless as a business, and it seemed  
4 like a good idea to try and expose our brand to that  
5 segment.

6 Q. Okay. And this seemed like a good  
7 way to do it?

8 A. Yeah.

9 Q. Was there any part that gave you  
10 concern about the program as it was initially  
11 presented?

12 MS. McKINNEY: Object to the form.

13 A. Not concern.

14 Q. Okay. Were you curious about any  
15 aspect of it that you wanted to see further fleshed  
16 out?

17 A. We had said -- our feedback to them  
18 on the idea was that we thought it was a big idea,  
19 but it was too big of an idea for our jurisdiction  
20 in the south. We didn't have budget, we didn't have  
21 scope to be able to support an idea like that. But  
22 we really liked the idea in its entirety. There  
23 were certain parts we thought we could execute;  
24 locally, but there were certain parts that were  
25 national in scope that we could not.

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1 Q. Do you remember what the parts that  
2 you thought you could do locally yourself?

3 A. The grassroots, the event based  
4 things. So the actual event that would be the  
5 choirs singing locally.

6 Q. Okay.

7 A. And then having some sort of  
8 competition around that.

9 Q. Okay. And the national part of it  
10 that you wouldn't be able to handle?

11 A. The T.V., the American Idol version  
12 of the T.V. idea.

13 Q. Okay. And do you -- today's 2009 How  
14 Sweet the Sound concept, do you envision it to be --

15 A. I'm not familiar with it.

16 Q. Not familiar with it at all?

17 (Whereupon there was a discussion off the record.)

18 MR. MUCKENFUSS: Try not to talk over  
19 --

20 MR. DOOLITTLE: Yeah. I apologize.

21 Q. Are you familiar with the 2009 How  
22 Sweet the Sound concept?

23 A. I am not familiar with it.

24 Q. Okay. What is your last involvement  
25 in How Sweet the Sound campaign?